

APPENDIX C - EXECUTIVE AGREEMENTS

1. Agreement Between The Government Of Canada And The Government Of The United States Of America - Effective 1947, Amended 1983

ARTICLE I

(a) In this Agreement, unless the context otherwise requires:

(i) "Agency" means any officer, board, commission or other authority designated by an unemployment insurance law in force in any State or in Canada to administer the Unemployment Insurance Fund for which provision is made by such unemployment insurance law;

(ii) "State" means any State of the United States of America, the District of Columbia, Puerto Rico and the Virgin Islands.

(iii) "Federal agency" means the agency authorized to administer those provisions of the laws of the United States of America which relate to the Federal-State unemployment insurance program;

(iv) "Jurisdiction" means any State or Canada.

(b) Services performed by an individual for an employer shall be deemed to be localized within a jurisdiction if-

(i) such services are performed entirely within such jurisdiction, or

(ii) such services are performed both within and without such jurisdiction, but the services performed without such jurisdiction are incidental to the individual's services performed within such jurisdiction, for example -- are temporary or transitory in nature or consist of isolated transactions.

ARTICLE II

This Agreement shall not be applicable to employment with respect to which contributions are payable under the Railroad Unemployment Insurance Act of the United States of America or to periods of unemployment with respect to which benefits are payable under the Act.

ARTICLE III

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The Government of the United States of America agrees that the Federal agency will recommend to each of the States that it carry out the provisions herein contained and Canada agrees to carry

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out such provisions: Provided that, if any State does not substantially carry out any such provisions, the Unemployment Insurance Commission of Canada may suspend the operation of such provision with reference to such State.

ARTICLE IV

(a) An individual's entire services for an employer in insurable employment, as defined in the unemployment law of a jurisdiction, will be insured under the unemployment insurance law of such jurisdiction in respect to services performed by him within, or both within and without such jurisdiction if-

(1) his services are localized in such jurisdiction, or

(2) his services are not localized in any jurisdiction but some of his services are performed in such jurisdiction, and

(i) his base of operations, or, if he has no base of operations, the place from which his services are directed or controlled, is in such jurisdiction, or

(ii) his base of operations, or the place from which his services are directed or controlled, is not in any jurisdiction in which some of his services are performed but his residence is in such jurisdiction.

(b) If clauses 1 and 2 of paragraph (a) of this article do not apply with respect to an individual's services, the agency of any jurisdiction may approve, subject to such conditions as it may prescribe or as may be prescribed by its unemployment insurance law, an election by such individual's employer pursuant to which such individual's entire services for that employer shall be deemed to be insured employment under the unemployment insurance law of such jurisdiction.

ARTICLE V

The agency of any jurisdiction may perform services for the agency of any other jurisdiction in the taking and development of any claim for benefits by an individual absent from such latter jurisdiction and desirous of claiming benefits under the unemployment insurance law of such jurisdiction.

ARTICLE VI

To avoid duplication of unemployment insurance payments with

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respect to the same period of unemployment, the order in which an individual who has benefit rights under the unemployment insurance laws of two or more jurisdictions shall exhaust or

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otherwise terminate his rights to benefits shall be determined jointly by the federal agency of the United States of America and the Unemployment Insurance Commission of Canada in such manner as to be reasonable and just as between all affected interests.

ARTICLE VII

This agreement may be amended by mutual agreement evidenced by an exchange of notes between the two governments and may be terminated by either government after 60 days notice to the other government.

ACCEPTANCE

The Executive Agreement - Series 244, permits Canada to participate in the Interstate Benefit Payment Plan only on a reciprocal basis. Since the States cannot enter into agreements with a foreign government under the provisions of the United States Constitution, it is necessary for any State which wishes to include Canada in its interstate claims operation to notify the headquarters office of the Bureau of Employment Security (currently the Employment and Training Administration) through its regional office. The Bureau will in turn notify the Canadian Unemployment Insurance Commission and advise the State.

2. Agreement of Protocol Covering Dependents of Diplomatic, Military and Other Government Personnel Between The Government Of Canada And The Government Of The United States Of America - Effective June 12, 1980

Dependents of employees of the Government of Canada assigned to official duty in the United States of America and of employees of the Government of the United States of America assigned to official duty in Canada are authorized to accept employment in the receiving State without restriction as to type of employment.

For the purposes of this arrangement, "dependents" shall include:

- i) Spouses
- ii) unmarried dependent children under 21 years of age
- iii) unmarried dependent children under 25 years of age who are in full-time attendance as students at a post-secondary educational institution, and
- iv) unmarried children who are physically or mentally disabled.

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In case of dependents of employees of the Government of Canada assigned to official duty in the United States of America and who hold an offer of employment in the United States, an official

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request will be made by the Embassy of Canada in Washington to the Office of the Chief of Protocol in the Department of State. Upon verification that the person is a dependent of an official employee, the Embassy of Canada will be informed by the Office of the Chief of Protocol that the dependent has permission to accept employment.

In the case of dependents of career and support staff members of United States diplomatic and consular missions in Canada who seek employment in Canada, the request shall be made by the United States Embassy in Ottawa to the Department of External Affairs, which, after verification, shall indicate approval in principle and the means by which such dependents may be provided with the necessary Employment Authorizations.

In the case of dependents of other employees of the Government of the United States of America assigned to official duty in Canada, the dependent will seek an Employment Authorization from the nearest Canada Immigration Centre. An Employment Authorization may be issued upon presentation of the offer of employment and upon verification of the official assignment in Canada of the employee of the Government of the United States of America and proof of the relationship between the dependent and the employee.

As to dependents who obtain employment under this agreement and who have immunity from the jurisdiction of the receiving country in accordance with Article 37 of the Vienna Convention on Diplomatic Relations, or any other applicable international agreement, immunity from civil and administrative jurisdiction with respect to all matters arising out of such employment is hereby waived by the sending State concerned. Such dependents are also responsible for payment of income tax and social security contributions on any remuneration received as a result of employment in the receiving State.

Note: This arrangement became effective June 12, 1980 and remains in effect until terminated by either Government on ninety days written notice to the other.

3. Understanding Between The Unemployment Insurance Service (UIS) and The Interstate Benefit (IB) Committee - May 1992

The Employment and Training Administration, UIS, as a partner in the Federal-State employment security programs, has a continuing interest in the effective administration and operation of the interstate benefit (IB) program. Consistent with Federal re-

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quirements, the UIS carries out the U.S. Department of Labor's oversight responsibility for the IB program.

The UIS is supportive of the States in maintaining the IB Payment

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Plan and the IB Committee in its activities with respect to the IB Payment Plan. The UIS will meet annually with the IB Committee to discuss priorities and other items of interest for the current and budget year.

In addition to carrying out it's Federal oversight role, the UIS will provide policy guidance and technical assistance for the IB Program and Interstate Telecommunications Network (INTERNET) (subsequently renamed Interstate Connections (ICON)) through:

1. Attendance and participation in IB Committee meetings and Regional or National meetings regarding the IB program operations.

2. Maintenance and issuance of all IB Directives, Handbooks, Manuals, Technical Assistance and Review Guides and training materials developed by and in cooperation with the IB Committee.

3. Development and testing of new methods of interstate operation, in accordance with mutually agreed upon goals, and keeping the IB Committee advised of all findings and results. Informing the IB Committee of and discussing with it any suggestions to revise IB procedures or IB automated procedures/applications of which the UIS becomes aware.

4. Promoting States' adherence to all prescribed interstate procedures. Keeping the IB Committee informed of IB problems or potential IB difficulties of which UIS becomes aware.

5. Providing guidance with regard to questions concerning established or new policies and/or discussing undecided policies with the IB Committee.

6. Keeping the Committee informed of Federal policy decisions that affect the operation of the IB program.

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